

OLC 78-0779

28 February 1978

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MEMORANDUM FOR: Robert Gambino  
Director of Security

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Acting Legislative Counsel

SUBJECT: S. 1845, Polygraph Bill and Certain Provisions in  
S. 2525, the Intelligence Charter Legislation

1. Regarding your interest in the status of Senator Bayh's polygraph bill, S. 1845, OLC's Legislation Staff is monitoring closely this legislation. OMB has before it for coordination our report on the bill along with our comments on the Department of Justice's report, with which, as you are aware, we have problems also. The Senate Judiciary Subcommittee on Constitution is scheduled to continue hearings sometime this spring.

2. As to provisions in S. 2525, the intelligence charter legislation, relating to authority to conduct necessary security activities relating to applicants, employees and others, the SSCI staff is aware that we consider the provisions in the bill to be inadequate. Our staff, with support from OS, made strenuous efforts during the drafting process to include in the bill the necessary authority to investigate applicants, employees, contractors and employees of contractors; the provisions in S. 2525, such as paragraph 421(a)(6) and subsection 222(c), are not adequate. We have identified this deficiency in an issues paper on Title IV (CIA charter) that was disseminated to Agency components for review and comment late last week, and we will address it also in issues papers on other relevant titles. Moreover, we will continue to consult with your office in developing further our position on this issue in order to continue pressing our concerns with the SSCI staff and, later, as necessary, as an issue for the Director.



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